

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2008-368-C - ORDER NO. 2009-62

FEBRUARY 17, 2009

IN RE: Joseph L. Godfrey, Complainant/Petitioner v.)	ORDER DISMISSING
BellSouth Telecommunications, Inc. d/b/a)	COMPLAINT
AT&T South Carolina,)	
Defendant/Respondent)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina’s (“AT&T” or “the Company”) Motion to Dismiss the above-captioned Complaint. For the reasons stated below, we grant the Motion.

This case concerns a Complaint filed against AT&T by Joseph L. Godfrey that resulted from a July 2008 overcharge of \$730.34. Mr. Godfrey’s bill at the time was \$109.93, but AT&T mistakenly charged Mr. Godfrey \$840.27. According to the record in this case, AT&T refunded the overcharged amount on September 29, 2008, and made payments and adjustments in the amount of \$1,206.92. Nevertheless, Mr. Godfrey requests that this Commission levy a fine or penalty against AT&T and order the Company to pay compensation for his time and effort spent trying to collect the money. AT&T seeks to dismiss this case.

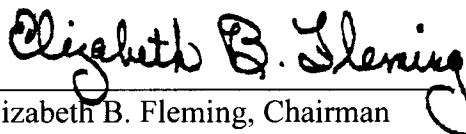
While S.C. Code Ann. §§ 58-9-1610 through 58-9-1650 (1976 and Supp. 2008) allow the Commission to request the Office of Regulatory Staff (“ORS”) to seek penalties in State Court for violation of our statutes and orders, to this date, there have

been no violations of either. Further, this Commission has no authority to award damages in this instance. The record reflects that AT&T has refunded Mr. Godfrey an amount that far exceeds the \$730.34 mistakenly withdrawn from his checking account. AT&T's response to this Complaint goes beyond the requirements of Commission Regulation 26 S.C. Code Ann. Regs. 103-623.2 (Supp. 2008) pertaining to inadvertent overcharges.

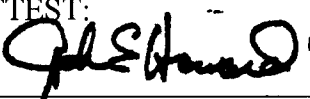
We recognize that Mr. Godfrey rightfully experienced frustration at the Company's mistake, and at its apparent initial reluctance to resolve the issue through anything other than bill credits, as well as the time and effort required to receive the refund and compensation provided by AT&T. However, we believe that, in light of the adjustments and payments made to Mr. Godfrey, which have made him financially whole, there is no further relief that this Commission can offer him at this time. Accordingly, we grant AT&T's Motion to Dismiss the Complaint.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)